



PUBLIC NOTICE

Federal Communications Commission
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DA 04-3788
November 30, 2004

COMMENTS INVITED ON APPLICATION OF MCLEODUSA TELECOMMUNICATIONS SERVICES, INC. TO DISCONTINUE DOMESTIC INTERSTATE SPECIAL ACCESS DSL SERVICE

WC Docket No. 04-423
Comp. Pol. File No. 694

Comments Due: December 14, 2004

Section 214 Application

Applicant: McLeodUSA Telecommunications Services, Inc.

On November 16, 2004, McLeodUSA Telecommunications Services, Inc. (McLeodUSA or Applicant), located at McLeodUSA Technology Park, 6400 C Street, SW, Cedar Rapids, Iowa 52406-3177, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority to the extent necessary, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue interstate special access DSL service, in certain areas of Houston and Oklahoma City.

McLeodUSA states in its application that it provided written notice to its affected customers, on November 10, 2004, alerting them that it intends to cease offering DSL service in the areas served by the Houston, Texas and Oklahoma City, Oklahoma central offices designated by the CLLI codes HSTNTXLA and HSTNTXGP. McLeodUSA indicates that the proposed discontinuance will not affect any other service McLeodUSA may provide to these customers, and will not affect any intrastate service, or cancel or amend any existing state or federal license or tariff. McLeodUSA's application seeks permission to discontinue interstate special access service, used for high-speed Internet access, as of December 31, 2004. McLeodUSA also indicates that it is non-dominant with respect to the service it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, McLeodUSA's application will be deemed to be granted automatically on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies McLeodUSA that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, McLeodUSA may not terminate service until December 31, 2004. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers

or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would otherwise be adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **December 14, 2004**. Such comments should refer to **WC Docket No. 04-423 and Comp. Pol. File No. 694**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), **carmell.weathers@fcc.gov**, or Brad Koerner, (202) 418-0866 (voice), **brad.koerner@fcc.gov** of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit **http://www.fcc.gov/wcb/cpd/other_adjud**.

-FEDERAL COMMUNICATIONS COMMISSION-